

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 6/25/01

By: Linda R. Judge

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF:

Singh, et al.

SERIAL No.: 09/824,905

FILED: April 2, 2001

FOR: **KITS EMPLOYING OLIGONUCLEOTIDE-  
BINDING E-TAG PROBES**

EXAMINER: Unknown

ART UNIT: 1656

**Declaration Under 37 CFR §1.821**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I, Linda R. Judge, declare and affirm as follows:

1. I am an agent for the applicant.
2. The floppy disc which accompanies this Declaration contains the required sequence listing.
3. The sequence listing recorded on said disc matches the hard copy of the sequence listing accompanying this Declaration.
4. The present submission contains no new matter relative to the application as originally filed.

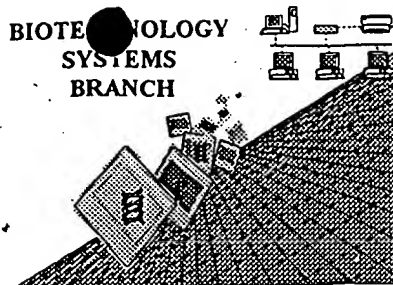
Respectfully submitted,

Linda R. Judge  
Linda R. Judge  
Registration No. 42,702

Date: June 25, 2001

**Correspondence Address:**

Customer No. 22918



## RAW SEQUENCE LISTING ERROR REPORT



The Biotechnology Systems Branch of the Scientific and Technical Information Center (STIC) detected errors when processing the following computer readable form:

Application Serial Number: 09/824,905

Source: O I P E

Date Processed by STIC: 4-27-01

THE ATTACHED PRINTOUT EXPLAINS DETECTED ERRORS.

PLEASE FORWARD THIS INFORMATION TO THE APPLICANT BY EITHER:

- 1) INCLUDING A COPY OF THIS PRINTOUT IN YOUR NEXT COMMUNICATION TO THE APPLICANT, WITH A NOTICE TO COMPLY or,
- 2) TELEPHONING APPLICANT AND FAXING A COPY OF THIS PRINTOUT, WITH A NOTICE TO COMPLY

FOR CRF SUBMISSION QUESTIONS, PLEASE CONTACT MARK SPENCER, 703-308-4212.

FOR SEQUENCE RULES INTERPRETATION, PLEASE CONTACT ROBERT WAX, 703-308-4216.

PATENTIN 2.1 e-mail help: [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or phone 703-306-4119 (R. Wax)

PATENTIN 3.0 e-mail help: [patin3help@uspto.gov](mailto:patin3help@uspto.gov) or phone 703-306-4119 (R. Wax)

TO REDUCE ERRORED SEQUENCE LISTINGS, PLEASE USE THE CHECKER VERSION 3.0 PROGRAM, ACCESSIBLE THROUGH THE U.S. PATENT AND TRADEMARK OFFICE WEBSITE. SEE BELOW:

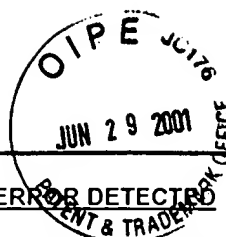
### Checker Version 3.0

The Checker Version 3.0 application is a state-of-the-art Windows based software program employing a logical and intuitive user-interface to check whether a sequence listing is in compliance with format and content rules. Checker Version 3.0 works for sequence listings generated for the original version of 37 CFR §§1.821 - 1.825 effective October 1, 1990 (old rules) and the revised version (new rules) effective July 1, 1998 as well as World Intellectual Property Organization (WIPO) Standard ST.25.

Checker Version 3.0 replaces the previous DOS-based version of Checker, and is Y2K-compliant. Checker allows public users to check sequence listings in Computer Readable form (CRF) before submitting them to the United States Patent and Trademark Office (USPTO). Use of Checker prior to filing the sequence listing is expected to result in fewer errored sequence listings, thus saving time and money.

Checker Version 3.0 can be down loaded from the USPTO website at the following address:

<http://www.uspto.gov/web/offices/pac/checker>



# Sequence Listing Error Summary

ERROR DETECTED  
PATENT & TRADEMARK OFFICE

## SUGGESTED CORRECTION

SERIAL NUMBER: 09/824,905

ATTN: NEW RULES CASES: PLEASE DISREGARD ENGLISH "ALPHA" HEADERS, WHICH WERE INSERTED BY PTO SOFTWARE

- 1 ☐ Wrapped Nucleics      The number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 2 ☐ Wrapped Aminos      The amino acid number/text at the end of each line "wrapped" down to the next line.  
This may occur if your file was retrieved in a word processor after creating it.  
Please adjust your right margin to .3, as this will prevent "wrapping".
- 3 ☐ Incorrect Line Length      The rules require that a line not exceed 72 characters in length. This includes spaces.
- 4 ☐ Misaligned Amino Acid Numbering      The numbering under each 5th amino acid is misaligned. This may be caused by the use of tabs between the numbering. It is recommended to delete any tabs and use spacing between the numbers.
- 5 ☐ Non-ASCII      This file was not saved in ASCII (DOS) text, as required by the Sequence Rules.  
Please ensure your subsequent submission is saved in ASCII text so that it can be processed.
- 6 ☐ Variable Length      Sequence(s) \_\_\_\_ contain n's or Xaa's which represented more than one residue.  
As per the rules, each n or Xaa can only represent a single residue.  
Please present the maximum number of each residue having variable length and indicate in the (ix) feature section that some may be missing.
- 7 ☐ PatentIn ver. 2.0 "bug"      A "bug" in PatentIn version 2.0 has caused the <220>-<223> section to be missing from amino acid sequence(s) \_\_\_\_\_. Normally, PatentIn would automatically generate this section from the previously coded nucleic acid sequence. Please manually copy the relevant <220>-<223> section to the subsequent amino acid sequence. This applies primarily to the mandatory <220>-<223> sections for Artificial or Unknown sequences.
- 8 ☐ Skipped Sequences (OLD RULES)      Sequence(s) \_\_\_\_ missing. If intentional, please use the following format for each skipped sequence:  
(2) INFORMATION FOR SEQ ID NO:X:  
(i) SEQUENCE CHARACTERISTICS:(Do not insert any headings under "SEQUENCE CHARACTERISTICS")  
(xi) SEQUENCE DESCRIPTION:SEQ ID NO:X:  
This sequence is intentionally skipped  
  
Please also adjust the "(iii) NUMBER OF SEQUENCES:" response to include the skipped sequence(s).
- 9 ☐ Skipped Sequences (NEW RULES)      Sequence(s) \_\_\_\_ missing. If intentional, please use the following format for each skipped sequence.  
<210> sequence id number  
<400> sequence id number  
000
- 10 ☐ Use of n's or Xaa's (NEW RULES)      Use of n's and/or Xaa's have been detected in the Sequence Listing.  
Use of <220> to <223> is MANDATORY if n's or Xaa's are present.  
In <220> to <223> section, please explain location of n or Xaa, and which residue n or Xaa represents.
- 11 ☐ Use of "Artificial" (NEW RULES)      Use of "Artificial" only as "<213> Organism" response is incomplete, per 1.823(b) of New Sequence Rules.  
Valid response is Artificial Sequence.
- 12 ☒ Use of <220>Feature (NEW RULES)      Sequence(s) \_\_\_\_ are missing the <220>Feature and associated headings.  
Use of <220> to <223> is MANDATORY if <213>ORGANISM is "Artificial Sequence" or "Unknown"  
Please explain source of genetic material in <220> to <223> section.  
(See "Federal Register," 6/01/98, Vol. 63, No. 104, pp. 29631-32) (Sec. 1.823 of new Rules)
- 13 ☐ PatentIn ver. 2.0 "bug"      Please do not use "Copy to Disk" function of PatentIn version 2.0. This causes a corrupted file, resulting in missing mandatory numeric identifiers and responses (as indicated on raw sequence listing).  
Instead, please use "File Manager" or any other means to copy file to floppy disk.



OIPE

RAW SEQUENCE LISTING  
PATENT APPLICATION: US/09/824,905

DATE: 04/27/2001  
TIME: 12:49:26

Input Set : A:\0225-0033.22-SEQLIST.txt  
Output Set: N:\CRF3\04272001\I824905.raw

**Does Not Comply  
Corrected Diskette Needed**

4 <110> APPLICANT: Singh, Sharat  
5 Matray, Tracy  
6 Chenna, Ahmed  
8 <120> TITLE OF INVENTION: Kits Employing Oligonucleotide-Binding  
9 e-tag Probes  
11 <130> FILE REFERENCE: 0225-0033.22  
C--> 13 <140> CURRENT APPLICATION NUMBER: US/09/824,905  
C--> 14 <141> CURRENT FILING DATE: 2001-04-02  
16 <150> PRIOR APPLICATION NUMBER: US 09/698,846  
17 <151> PRIOR FILING DATE: 2000-10-27  
19 <150> PRIOR APPLICATION NUMBER: US 09/684,386  
20 <151> PRIOR FILING DATE: 2000-10-04  
22 <150> PRIOR APPLICATION NUMBER: US 09/602,536  
23 <151> PRIOR FILING DATE: 2000-06-21  
25 <150> PRIOR APPLICATION NUMBER: US 09/561,579  
26 <151> PRIOR FILING DATE: 2000-04-28  
28 <150> PRIOR APPLICATION NUMBER: US 09/303,029  
29 <151> PRIOR FILING DATE: 1999-04-30  
31 <160> NUMBER OF SEQ ID NOS: 18  
33 <170> SOFTWARE: FastSEQ for Windows Version 4.0  
35 <210> SEQ ID NO: 1  
36 <211> LENGTH: 16  
37 <212> TYPE: DNA  
38 <213> ORGANISM: Artificial Sequence  
40 <220> FEATURE:  
41 <223> OTHER INFORMATION: oligonucleotide  
43 <400> SEQUENCE: 1  
44 tcaccacatc ccagtg  
46 <210> SEQ ID NO: 2  
47 <211> LENGTH: 16  
48 <212> TYPE: DNA  
49 <213> ORGANISM: Artificial Sequence  
51 <220> FEATURE:  
52 <223> OTHER INFORMATION: oligonucleotide  
54 <400> SEQUENCE: 2  
55 gagggagggtt tggctg  
57 <210> SEQ ID NO: 3  
58 <211> LENGTH: 22  
59 <212> TYPE: DNA  
60 <213> ORGANISM: Artificial Sequence  
62 <220> FEATURE:  
63 <223> OTHER INFORMATION: oligonucleotide  
65 <221> NAME/KEY: misc\_feature  
66 <222> LOCATION: (22)...(22)  
67 <223> OTHER INFORMATION: 3' nucleotide linked to tetramethyl rhodamine  
69 <400> SEQUENCE: 3  
70 ccagcaacca atgatgcccg tt

*More specific response  
needed. what is the  
source of artificial  
sequence.*

*See #12  
on the Error  
Summary Sheet.*

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## RAW SEQUENCE LISTING

DATE: 04/27/2001

PATENT APPLICATION: US/09/824,905

TIME: 12:49:26

Input Set : A:\0225-0033.22-SEQLIST.txt

Output Set: N:\CRF3\04272001\I824905.raw

72 <210> SEQ ID NO: 4  
73 <211> LENGTH: 22  
74 <212> TYPE: DNA  
75 <213> ORGANISM: Artificial Sequence  
77 <220> FEATURE:  
78 <223> OTHER INFORMATION: oligonucleotide → See p.1  
80 <221> NAME/KEY: misc\_feature  
81 <222> LOCATION: (1)...(1)  
82 <223> OTHER INFORMATION: 5' nucleotide linked to fluorescein  
84 <221> NAME/KEY: misc\_feature  
85 <222> LOCATION: (22)...(22)  
86 <223> OTHER INFORMATION: 3' nucleotide linked to tetramethyl rhodamine  
88 <400> SEQUENCE: 4  
89 ccagcaagca ctgatgcctg tt 22  
91 <210> SEQ ID NO: 5  
92 <211> LENGTH: 4  
93 <212> TYPE: FRT  
94 <213> ORGANISM: Artificial Sequence  
96 <220> FEATURE:  
97 <223> OTHER INFORMATION: peptide linker  
99 <400> SEQUENCE: 5  
100 Lys Lys Ala Ala  
101 1  
103 <210> SEQ ID NO: 6  
104 <211> LENGTH: 4  
105 <212> TYPE: PRT  
106 <213> ORGANISM: Artificial Sequence  
108 <220> FEATURE:  
109 <223> OTHER INFORMATION: peptide linker  
111 <400> SEQUENCE: 6  
112 Lys Lys Lys Ala  
113 1  
115 <210> SEQ ID NO: 7  
116 <211> LENGTH: 4  
117 <212> TYPE: PRT  
118 <213> ORGANISM: Artificial Sequence  
120 <220> FEATURE:  
121 <223> OTHER INFORMATION: peptide linker  
123 <400> SEQUENCE: 7  
124 Lys Lys Lys Lys  
125 1  
127 <210> SEQ ID NO: 8  
128 <211> LENGTH: 25  
129 <212> TYPE: DNA  
130 <213> ORGANISM: Artificial Sequence  
132 <220> FEATURE:  
133 <223> OTHER INFORMATION: oligonucleotide → See p.1  
135 <400> SEQUENCE: 8  
136 gaccaggaaa tagagaggaa atgta 25

## RAW SEQUENCE LISTING

DATE: 04/27/2001

PATENT APPLICATION: US/09/824,905

TIME: 12:49:26

Input Set : A:\0225-0033.22-SEQLIST.txt

Output Set: N:\CRF3\04272001\I824905.raw

138 <210> SEQ ID NO: 9  
 139 <211> LENGTH: 27  
 140 <212> TYPE: DNA  
 141 <213> ORGANISM: Artificial Sequence  
 143 <220> FEATURE:  
 144 <223> OTHER INFORMATION: oligonucleotide  
 146 <400> SEQUENCE: 9  
 147 gaaggagaag gaagagttgg tattatc 27  
 149 <210> SEQ ID NO: 10  
 150 <211> LENGTH: 21  
 151 <212> TYPE: DNA  
 152 <213> ORGANISM: Artificial Sequence  
 154 <220> FEATURE:  
 155 <223> OTHER INFORMATION: oligonucleotide  
 157 <400> SEQUENCE: 10  
 158 ttgggtcag atctgtgata g 21  
 160 <210> SEQ ID NO: 11  
 161 <211> LENGTH: 27  
 162 <212> TYPE: DNA  
 163 <213> ORGANISM: Artificial Sequence  
 165 <220> FEATURE:  
 166 <223> OTHER INFORMATION: oligonucleotide See p. 1  
 168 <400> SEQUENCE: 11  
 169 catctaggta tccaaaagga gagtcta 27  
 171 <210> SEQ ID NO: 12  
 172 <211> LENGTH: 27  
 173 <212> TYPE: DNA  
 174 <213> ORGANISM: Artificial Sequence  
 176 <220> FEATURE:  
 177 <223> OTHER INFORMATION: oligonucleotide  
 179 <400> SEQUENCE: 12  
 180 cggatatag ttcttctca tgetatt 27  
 182 <210> SEQ ID NO: 13  
 183 <211> LENGTH: 20  
 184 <212> TYPE: DNA  
 185 <213> ORGANISM: Artificial Sequence  
 187 <220> FEATURE:  
 188 <223> OTHER INFORMATION: oligonucleotide  
 190 <400> SEQUENCE: 13  
 191 gcaagatctt cgccttactg 20  
 193 <210> SEQ ID NO: 14  
 194 <211> LENGTH: 32  
 195 <212> TYPE: DNA  
 196 <213> ORGANISM: Artificial Sequence  
 198 <220> FEATURE:  
 199 <223> OTHER INFORMATION: probe  
 201 <221> NAME/KEY: misc\_feature  
 202 <222> LOCATION: (1)...(1)  
 203 <223> OTHER INFORMATION: e-tag10s modification to the 5' nucleotide

## RAW SEQUENCE LISTING

DATE: 04/27/2001

PATENT APPLICATION: US/09/824,905

TIME: 12:49:26

Input Set : A:\0225-0033.22-SEQLIST.txt

Output Set: N:\CRF3\04272001\I824905.raw

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205 <400> SEQUENCE: 14
206 ttccatttttc ttttttagagc agtatacaaa ga 32
208 <210> SEQ ID NO: 15
209 <211> LENGTH: 32
210 <212> TYPE: DNA
211 <213> ORGANISM: Artificial Sequence
213 <220> FEATURE:
214 <223> OTHER INFORMATION: probe
216 <221> NAME/KEY: misc_feature
217 <222> LOCATION: (1)...(1)
218 <223> OTHER INFORMATION: e-tag10as modification to the 5' nucleotide
220 <400> SEQUENCE: 15
221 tctttgtata ctgctctaaa aagaaaatgg aa 32
223 <210> SEQ ID NO: 16
224 <211> LENGTH: 23
225 <212> TYPE: DNA
226 <213> ORGANISM: Artificial Sequence
228 <220> FEATURE:
229 <223> OTHER INFORMATION: probe
231 <221> NAME/KEY: misc_feature
232 <222> LOCATION: (1)...(1)
233 <223> OTHER INFORMATION: e-tag11s modification to the 5' nucleotide
235 <400> SEQUENCE: 16
236 aaactccagc atagatgtgg atagcttg 28
238 <210> SEQ ID NO: 17
239 <211> LENGTH: 28
240 <212> TYPE: DNA
241 <213> ORGANISM: Artificial Sequence
243 <220> FEATURE:
244 <223> OTHER INFORMATION: probe
246 <221> NAME/KEY: misc_feature
247 <222> LOCATION: (1)...(1)
248 <223> OTHER INFORMATION: e-tag11as modification to the 5' nucleotide
250 <400> SEQUENCE: 17
251 caagctatcc acatctatgc tggagttt 28
253 <210> SEQ ID NO: 18
254 <211> LENGTH: 23
255 <212> TYPE: DNA
256 <213> ORGANISM: Artificial Sequence
258 <220> FEATURE:
259 <223> OTHER INFORMATION: probe
261 <221> NAME/KEY: misc_feature
262 <222> LOCATION: (1)...(1)
263 <223> OTHER INFORMATION: e-tag13as modification to the 5' nucleotide
265 <400> SEQUENCE: 18
266 aactgcttgt ggccatggct tag 23

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VERIFICATION SUMMARY

DATE: 04/27/2001

PATENT APPLICATION: US/09/824,905

TIME: 12:49:27

Input Set : A:\0225-0033.22-SEQLIST.txt

Output Set: N:\CRF3\04272001\I824905.raw

13 M:270 C: Current Application Number differs, Replaced Current Application Number

14 M:271 C: Current Filing Date differs, Replaced Current Filing Date